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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Tyco Technology Resources
4550 New Linden Hill Road Suite 450
Wilmington, DE 19808-2952

EXAMINER

NGUYEN, KHIEM M

ART UNIT	PAPER NUMBER
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2839

DATE MAILED: 12/04/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/628669

Applicant(s)

DAVIS

Examiner

KHIEM NGUYEN

Group Art Unit

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—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE - 3 - MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☒ Responsive to communication(s) filed on 9-24-01
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-34, 38-54 is/are pending in the application.
- ☐ Of the above claim(s) is/are withdrawn from consideration.
- ☐ Claim(s) is/are allowed.
- ☒ Claim(s) 1-34, 38-54 is/are rejected.
- ☐ Claim(s) is/are objected to.
- ☐ Claim(s) are subject to restriction or election requirement

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some* ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. _____
- ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

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DETAILED ACTION

Reissue Applications

1. Applicant is reminded of the continuing obligation under 37 CFR 1.56 to timely apprise the Office of any litigation information, or other prior or concurrent proceeding, involving Patent No. 5,295,843 and 5,785,557 which is material to patentability of the claims under consideration in this reissue application. This obligation rests with each individual associated with the filing and prosecution of this application for reissue. See MPEP §§ 1404, 1442.01 and 1442.04.

2. The original patent, or an affidavit or declaration as to loss or inaccessibility of the original patent, must be received before this reissue application can be allowed. See 37 CFR 1.178.

2. The reissue oath/declaration filed with this application is defective (see 37 CFR 1.175 and MPEP § 1414) because of the following:

The statement giving reasons that applicant believes the original patent to be wholly or partly inoperative or invalid by reason of claiming less than he has a right to claim seem broad and not directed to each specific claims. Each newly submitted claims in a reissue application address an error in the original patent and must be properly addressed in the reissue declaration.

Generally indicating, *for example*, is not inclusive of how each new reissue claim address each specific error. Specifically, applicant should be more comprehensive as to how each newly submitted claims 19-37 address a given error of the original patent.

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3. In accordance with 37 CFR 1.175(b)(1), a supplemental reissue oath/declaration under 37 CFR 1.175(b)(1) must be received before this reissue application can be allowed.

Claims 38-54 are rejected as being based upon a defective declaration under 35 U.S.C. 251. See 37 CFR 1.175. The nature of the defect is set forth above.

Receipt of an appropriate supplemental oath/declaration under 37 CFR 1.175(b)(1) will overcome this rejection under 35 U.S.C. 251. An example of acceptable language to be used in the supplemental oath/declaration is as follows:

"Every error in the patent which was corrected in the present reissue application, and is not covered by a prior oath/declaration submitted in this application, arose without any deceptive intention on the part of the applicant."

4. Claims 1-34, 38-54 are rejected as being based upon a defective reissue declaration under 35 U.S.C. 251 as set forth above. See 37 CFR 1.175.

The nature of the defect(s) in the declaration is set forth in the discussion above in this Office action.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 19-34, 38-45, 49-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roberts (3,760,335) in view of Henschen et al. (3,663,930), Chau et al. (5,190,480) and Martens (4,582,386).

7. Roberts discloses mateable electrical connectors comprising a first and a second electrical connectors having mateable contacts and at least one first power contacts 58 mateable with at least one second power contacts 50 ; the first power contacts having opposed contact fingers, and the second power contact having opposed contact surfaces; wherein the opposed contact fingers of the first power contacts are received between the opposed contact surfaces of the second power contacts such that the contact fingers resiliently deflect inwardly and exert pressure of the opposed contact surfaces. It is noted that the first power contacts of Roberts, the fingers are not extending from a body and Roberts lacks to disclose separate signal contacts from the power contacts and in which the power contacts are larger or more massive than the signal contacts as substantially set forth by applicant's invention. Henschen et al. shows contact terminal structure 2 having resilient fingers extending from a single body 26, and Chau et al. and Martens both disclose the use of signal contacts in combination with power contacts in their connector housings and that their power contact are generally larger or more massive than their signal contacts. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to construct the first power contacts of Roberts with fingers extending from a body in view of Henschen et al., and to provide signal

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contacts in combination with at least one set of power contacts for the connector Roberts in which the power contacts are larger or more massive than the signal contacts in view of the teachings of Chau et al. and Martens. The use of contact structures having resilient fingers extending from a single body is old and well known, and the use of larger power contacts would increase the current carrying capacity as is well known the art (see Chau et al., column 4, lines 10-18).

8. Claims 46-48 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. Applicant's arguments with respect to claims 19-34 have been considered but are moot in view of the new ground(s) of rejection.

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Khiem Nguyen between the hours of 10 AM and 6 PM whose telephone number is (703) 308-1738 . If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus, may be reached on (703) 308 3119.

KN

December 2, 2001

Khiem Nguyen

Khiem Nguyen

Primary Examiner

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